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2 182133-3  
3 By Representative Sells  
4 RFD: State Government  
5 First Read: 16-FEB-17

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ENROLLED, An Act,

Relating to emergency medical services personnel; to amend Section 22-18-6, Code of Alabama 1975; to add a new Article 4, commencing with Section 22-18-50, to Chapter 18 of Title 22 of the Code of Alabama 1975; to establish the Emergency Medical Services Personnel Licensure Interstate Compact; to provide reciprocity among member states on matters relating to discipline and conditions of practice of EMS personnel; to make this state a member of the Interstate Commission for EMS Personnel Practice; and to allow EMS personnel from compact states to practice in Alabama in limited circumstances without a state license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-18-6, Code of Alabama 1975, is amended to read as follows:

"§22-18-6.

"(a) It shall be a Class A misdemeanor for any person, firm, company, corporation, organization, facility, or agency to do any of the following:

"(1) Deliberately hinder, obstruct, or interfere with an officer, inspector, or duly authorized agent of the board while in the performance of official duties.

"(2) Deliberately hinder, obstruct, or interfere with any physician, licensed nurse, licensed EMSP, or

1 emergency personnel exempt from licensure under the provisions  
2 of this article while that person is providing emergency care  
3 to a third person or while that person is assisting at the  
4 scene of an emergency, directing traffic at the scene of an  
5 emergency, or managing or helping to manage the scene of an  
6 emergency.

7 "(3) Violate subsection (c) or (d) of this section.

8 "(4) Offer, provide, or perform, without a license  
9 or certificate to do so, an emergency medical service or other  
10 function which, under the provisions of this article or the  
11 rules adopted pursuant thereto, may not be performed without a  
12 license or certificate issued by the Board of Health;  
13 provided, however, this subdivision does not apply to  
14 emergency medical service personnel who have the privilege to  
15 practice in the state pursuant to the Emergency Medical  
16 Services Personnel Licensure Interstate Compact. No person  
17 shall be subject to criminal liability pursuant to this  
18 section in the event he or she renders first aid or emergency  
19 care at the scene of an injury caused by a motor vehicle crash  
20 or by some other incident, or at the scene of a mass casualty  
21 or disaster if:

22 "a. The first aid or emergency care is rendered  
23 gratuitously and in good faith; and

1            "b. The first aid or emergency care is not rendered  
2 in the course of a business, program, or system which  
3 regularly engages in the provision of emergency medical care.

4            "(b) Nothing in this section shall be construed to  
5 repeal, abridge, or modify Section 6-5-332 or any other good  
6 Samaritan statute.

7            "(c) No person shall regularly engage in providing  
8 emergency medical care at the scene of emergencies unless he  
9 or she is licensed as EMSP as defined in this article, or  
10 unless he or she is exempted from licensure pursuant to the  
11 provisions of this article. Notwithstanding the foregoing,  
12 nothing in this article shall be construed to prohibit any  
13 physician or nurse licensed in Alabama from performing any act  
14 within his or her scope of practice. No person shall hold  
15 himself or herself out to be EMSP, unless he or she is  
16 licensed as such as defined in this chapter. EMSP licensed in  
17 other jurisdictions may identify themselves as holding such  
18 licensure.

19            "(d) The board shall by rule establish the scope of  
20 privilege for each level of EMSP licensure. No person shall  
21 exceed the scope of privilege granted to his or her level of  
22 licensure.

23            "(e) Control of an emergency scene may be taken by  
24 EMSP if the personnel arrive at the scene of an emergency  
25 prior to the arrival of law enforcement personnel, and if

1 managing the emergency scene will not interfere with other  
2 emergency medical care duties. Emergency scene control shall  
3 include the authority to direct traffic. A driver of a motor  
4 vehicle entering an emergency scene or entering a roadway  
5 adjacent to an emergency scene shall use caution, shall  
6 maintain proper control of the motor vehicle, and shall obey  
7 the directions of law enforcement personnel and emergency  
8 personnel at the scene. Any person violating this subsection  
9 shall be guilty of a violation.

10 "(f) The board may, following the contested case  
11 provisions of the Administrative Procedure Act, suspend or  
12 revoke the license or certificate of EMSP at any level, or a  
13 provider service, or it may refuse to grant a license or  
14 certificate to any person or entity at any time that any of  
15 the following is determined with respect to the holder or  
16 applicant:

17 "(1) Does not meet or no longer meets the prescribed  
18 qualifications.

19 "(2) Is guilty of misconduct as defined by the  
20 board's rules or otherwise commits a violation of this act or  
21 any rules promulgated thereunder.

22 "(3) Has failed to maintain the required level of  
23 continuing education units or any equivalent therefor defined  
24 in the board's rules.

1           "(4) Has provided care to a patient or patients  
2 under his or her care which falls short of the standard of  
3 care which ordinarily would be expected to be provided by  
4 similarly situated EMSP in Alabama, and has thereby  
5 jeopardized the life, health, or safety of a patient or  
6 patients.

7           "(5) Has sexually or physically abused a patient  
8 under his or her care.

9           "(6) Has submitted a license or test application, a  
10 report of continuing education requirements, a run report, a  
11 patient care record, EMSP student record, clinical rotation  
12 record, intent to train form, self-study document, fluid and  
13 drug application, physician medication order form, or any  
14 other document which is material to the duties and  
15 qualifications of EMSP or those of a student in an EMSP  
16 training program and which is fraudulent or knowingly false in  
17 any respect.

18           "(7) Has committed fraud in the performance of his  
19 or her duties or in connection with any matter related to  
20 emergency medical services.

21           "(8) Has been convicted of a crime involving moral  
22 turpitude, or a crime in which the victim is an EMSP provider  
23 service or an EMS patient, unless the board determines that  
24 the fact of the conviction would not likely interfere with the  
25 performance of EMS duties.

1           "(9) Has performed any act requiring licensure or  
2 certification under state EMS statutes, without possession of  
3 the requisite licensure or certification.

4           "(10) Has performed any act which exceeds the scope  
5 of license or privilege granted to the holder."

6           Section 2. A new Article 4, commencing with Section  
7 22-18-50, is added to Chapter 18 of Title 22 of the Code of  
8 Alabama 1975, to read as follows:

9           ARTICLE 4. Emergency Medical Services Personnel  
10 Licensure Interstate Compact.

11           §22-18-50.

12           The Emergency Medical Services Personnel Licensure  
13 Interstate Compact is hereby enacted into law and entered into  
14 with all other jurisdictions legally joining therein in form  
15 substantially as follows:

16           SECTION 1. PURPOSE.

17           In order to protect the public through verification  
18 of competency and ensure accountability for patient care  
19 related activities all states license emergency medical  
20 services (EMS) personnel, such as emergency medical  
21 technicians (EMTs), advanced EMTs and paramedics. This Compact  
22 is intended to facilitate the day to day movement of EMS  
23 personnel across state boundaries in the performance of their  
24 EMS duties as assigned by an appropriate authority and  
25 authorize state EMS offices to afford immediate legal

1 recognition to EMS personnel licensed in a member state. This  
 2 Compact recognizes that states have a vested interest in  
 3 protecting the public's health and safety through their  
 4 licensing and regulation of EMS personnel and that such state  
 5 regulation shared among the member states will best protect  
 6 public health and safety. This Compact is designed to achieve  
 7 the following purposes and objectives:

- 8 1. Increase public access to EMS personnel;
- 9 2. Enhance the states' ability to protect the  
 10 public's health and safety, especially patient safety;
- 11 3. Encourage the cooperation of member states in the  
 12 areas of EMS personnel licensure and regulation;
- 13 4. Support licensing of military members who are  
 14 separating from an active duty tour and their spouses;
- 15 5. Facilitate the exchange of information between  
 16 member states regarding EMS personnel licensure, adverse  
 17 action and significant investigatory information;
- 18 6. Promote compliance with the laws governing EMS  
 19 personnel practice in each member state; and
- 20 7. Invest all member states with the authority to  
 21 hold EMS personnel accountable through the mutual recognition  
 22 of member state licenses.

23 SECTION 2. DEFINITIONS

24 In this Compact:

1           A. "Advanced Emergency Medical Technician (AEMT)"  
2 means: an individual licensed with cognitive knowledge and a  
3 scope of practice that corresponds to that level in the  
4 National EMS Education Standards and National EMS Scope of  
5 Practice Model.

6           B. "Adverse Action" means: any administrative,  
7 civil, equitable or criminal action permitted by a state's law  
8 which may be imposed against licensed EMS personnel by a state  
9 EMS authority or state court, including, but not limited to,  
10 actions against an individual's license such as revocation,  
11 suspension, probation, consent agreement, monitoring or other  
12 limitation or encumbrance on the individual's practice,  
13 letters of reprimand or admonition, fines, criminal  
14 convictions and state court judgments enforcing adverse  
15 actions by the state EMS authority.

16           C. "Alternative program" means: a voluntary,  
17 non-disciplinary substance abuse recovery program approved by  
18 a state EMS authority.

19           D. "Certification" means: the successful  
20 verification of entry-level cognitive and psychomotor  
21 competency using a reliable, validated, and legally defensible  
22 examination.

23           E. "Commission" means: the national administrative  
24 body of which all states that have enacted the Compact are  
25 members.

1           F. "Emergency Medical Technician (EMT)" means: an  
2 individual licensed with cognitive knowledge and a scope of  
3 practice that corresponds to that level in the National EMS  
4 Education Standards and National EMS Scope of Practice Model.

5           G. "Home State" means: a member state where an  
6 individual is licensed to practice emergency medical services.

7           H. "License" means: the authorization by a state for  
8 an individual to practice as an EMT, AEMT, paramedic, or a  
9 level in between EMT and paramedic.

10          I. "Medical Director" means: a physician licensed in  
11 a member state who is accountable for the care delivered by  
12 EMS personnel.

13          J. "Member State" means: a state that has enacted  
14 this Compact.

15          K. "Privilege to Practice" means: an individual's  
16 authority to deliver emergency medical services in remote  
17 states as authorized under this Compact.

18          L. "Paramedic" means: an individual licensed with  
19 cognitive knowledge and a scope of practice that corresponds  
20 to that level in the National EMS Education Standards and  
21 National EMS Scope of Practice Model.

22          M. "Remote State" means: a member state in which an  
23 individual is not licensed.

24          N. "Restricted" means: the outcome of an adverse  
25 action that limits a license or the privilege to practice.

1           O. "Rule" means: a written statement by the  
2 interstate Commission promulgated pursuant to Section 12 of  
3 this Compact that is of general applicability; implements,  
4 interprets, or prescribes a policy or provision of the  
5 Compact; or is an organizational, procedural, or practice  
6 requirement of the Commission and has the force and effect of  
7 statutory law in a member state and includes the amendment,  
8 repeal, or suspension of an existing rule.

9           P. "Scope of Practice" means: defined parameters of  
10 various duties or services that may be provided by an  
11 individual with specific credentials. Whether regulated by  
12 rule, statute, or court decision, it tends to represent the  
13 limits of services an individual may perform.

14           Q. "Significant Investigatory Information" means:

15           1. investigative information that a state EMS  
16 authority, after a preliminary inquiry that includes  
17 notification and an opportunity to respond if required by  
18 state law, has reason to believe, if proved true, would result  
19 in the imposition of an adverse action on a license or  
20 privilege to practice; or

21           2. investigative information that indicates that the  
22 individual represents an immediate threat to public health and  
23 safety regardless of whether the individual has been notified  
24 and had an opportunity to respond.

1           R. "State" means: any state, commonwealth, district,  
2 or territory of the United States.

3           S. "State EMS Authority" means: the board, office,  
4 or other agency with the legislative mandate to license EMS  
5 personnel.

6           SECTION 3. HOME STATE LICENSURE

7           A. Any member state in which an individual holds a  
8 current license shall be deemed a home state for purposes of  
9 this Compact.

10          B. Any member state may require an individual to  
11 obtain and retain a license to be authorized to practice in  
12 the member state under circumstances not authorized by the  
13 privilege to practice under the terms of this Compact.

14          C. A home state's license authorizes an individual  
15 to practice in a remote state under the privilege to practice  
16 only if the home state:

17           1. Currently requires the use of the National  
18 Registry of Emergency Medical Technicians (NREMT) examination  
19 as a condition of issuing initial licenses at the EMT and  
20 paramedic levels;

21           2. Has a mechanism in place for receiving and  
22 investigating complaints about individuals;

23           3. Notifies the Commission, in compliance with the  
24 terms herein, of any adverse action or significant  
25 investigatory information regarding an individual;

1           4. No later than five years after activation of the  
2 Compact, requires a criminal background check of all  
3 applicants for initial licensure, including the use of the  
4 results of fingerprint or other biometric data checks  
5 compliant with the requirements of the Federal Bureau of  
6 Investigation with the exception of federal employees who have  
7 suitability determination in accordance with US CFR §731.202  
8 and submit documentation of such as promulgated in the rules  
9 of the Commission; and

10           5. Complies with the rules of the Commission.

11           SECTION 4. Compact PRIVILEGE TO PRACTICE

12           A. Member states shall recognize the privilege to  
13 practice of an individual licensed in another member state  
14 that is in conformance with Section 3.

15           B. To exercise the privilege to practice under the  
16 terms and provisions of this Compact, an individual must:

17           1. Be at least 18 years of age;

18           2. Possess a current unrestricted license in a  
19 member state as an EMT, AEMT, paramedic, or state recognized  
20 and licensed level with a scope of practice and authority  
21 between EMT and paramedic; and

22           3. Practice under the supervision of a medical  
23 director.

24           C. An individual providing patient care in a remote  
25 state under the privilege to practice shall function within

1 the scope of practice authorized by the home state unless and  
2 until modified by an appropriate authority in the remote state  
3 as may be defined in the rules of the commission.

4 D. Except as provided in Section 4 subsection C, an  
5 individual practicing in a remote state will be subject to the  
6 remote state's authority and laws. A remote state may, in  
7 accordance with due process and that state's laws, restrict,  
8 suspend, or revoke an individual's privilege to practice in  
9 the remote state and may take any other necessary actions to  
10 protect the health and safety of its citizens. If a remote  
11 state takes action it shall promptly notify the home state and  
12 the Commission.

13 E. If an individual's license in any home state is  
14 restricted or suspended, the individual shall not be eligible  
15 to practice in a remote state under the privilege to practice  
16 until the individual's home state license is restored.

17 F. If an individual's privilege to practice in any  
18 remote state is restricted, suspended, or revoked the  
19 individual shall not be eligible to practice in any remote  
20 state until the individual's privilege to practice is  
21 restored.

#### 22 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

23 An individual may practice in a remote state under a  
24 privilege to practice only in the performance of the  
25 individual's EMS duties as assigned by an appropriate

1 authority, as defined in the rules of the Commission, and  
2 under the following circumstances:

3 1. The individual originates a patient transport in  
4 a home state and transports the patient to a remote state;

5 2. The individual originates in the home state and  
6 enters a remote state to pick up a patient and provide care  
7 and transport of the patient to the home state;

8 3. The individual enters a remote state to provide  
9 patient care and/or transport within that remote state;

10 4. The individual enters a remote state to pick up a  
11 patient and provide care and transport to a third member  
12 state;

13 5. Other conditions as determined by rules  
14 promulgated by the commission.

15 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT  
16 ASSISTANCE Compact

17 Upon a member state's governor's declaration of a  
18 state of emergency or disaster that activates the Emergency  
19 Management Assistance Compact (EMAC), all relevant terms and  
20 provisions of EMAC shall apply and to the extent any terms or  
21 provisions of this Compact conflicts with EMAC, the terms of  
22 EMAC shall prevail with respect to any individual practicing  
23 in the remote state in response to such declaration.

24 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM  
25 ACTIVE DUTY MILITARY, AND THEIR SPOUSES

1           A. Member states shall consider a veteran, active  
2 military service member, and member of the National Guard and  
3 Reserves separating from an active duty tour, and a spouse  
4 thereof, who holds a current valid and unrestricted NREMT  
5 certification at or above the level of the state license being  
6 sought as satisfying the minimum training and examination  
7 requirements for such licensure.

8           B. Member states shall expedite the processing of  
9 licensure applications submitted by veterans, active military  
10 service members, and members of the National Guard and  
11 Reserves separating from an active duty tour, and their  
12 spouses.

13           C. All individuals functioning with a privilege to  
14 practice under this Section remain subject to the Adverse  
15 Actions provisions of Section 8.

#### 16           SECTION 8. ADVERSE ACTIONS

17           A. A home state shall have exclusive power to impose  
18 adverse action against an individual's license issued by the  
19 home state.

20           B. If an individual's license in any home state is  
21 restricted or suspended, the individual shall not be eligible  
22 to practice in a remote state under the privilege to practice  
23 until the individual's home state license is restored.

24           1. All home state adverse action orders shall  
25 include a statement that the individual's Compact privileges

1 are inactive. The order may allow the individual to practice  
2 in remote states with prior written authorization from both  
3 the home state and remote state's EMS authority.

4 2. An individual currently subject to adverse action  
5 in the home state shall not practice in any remote state  
6 without prior written authorization from both the home state  
7 and remote state's EMS authority.

8 C. A member state shall report adverse actions and  
9 any occurrences that the individual's Compact privileges are  
10 restricted, suspended, or revoked to the Commission in  
11 accordance with the rules of the Commission.

12 D. A remote state may take adverse action on an  
13 individual's privilege to practice within that state.

14 E. Any member state may take adverse action against  
15 an individual's privilege to practice in that state based on  
16 the factual findings of another member state, so long as each  
17 state follows its own procedures for imposing such adverse  
18 action.

19 F. A home state's EMS authority shall investigate  
20 and take appropriate action with respect to reported conduct  
21 in a remote state as it would if such conduct had occurred  
22 within the home state. In such cases, the home state's law  
23 shall control in determining the appropriate adverse action.

24 G. Nothing in this Compact shall override a member  
25 state's decision that participation in an alternative program

1 may be used in lieu of adverse action and that such  
2 participation shall remain non-public if required by the  
3 member state's laws. Member states must require individuals  
4 who enter any alternative programs to agree not to practice in  
5 any other member state during the term of the alternative  
6 program without prior authorization from such other member  
7 state.

8 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER  
9 STATE'S EMS AUTHORITY

10 A member state's EMS authority, in addition to any  
11 other powers granted under state law, is authorized under this  
12 Compact to:

13 1. Issue subpoenas for both hearings and  
14 investigations that require the attendance and testimony of  
15 witnesses and the production of evidence. Subpoenas issued by  
16 a member state's EMS authority for the attendance and  
17 testimony of witnesses, and/or the production of evidence from  
18 another member state, shall be enforced in the remote state by  
19 any court of competent jurisdiction, according to that court's  
20 practice and procedure in considering subpoenas issued in its  
21 own proceedings. The issuing state EMS authority shall pay any  
22 witness fees, travel expenses, mileage, and other fees  
23 required by the service statutes of the state where the  
24 witnesses and/or evidence are located; and

1                   2. Issue cease and desist orders to restrict,  
2 suspend, or revoke an individual's privilege to practice in  
3 the state.

4                   SECTION 10. ESTABLISHMENT OF THE INTERSTATE  
5 COMMISSION FOR EMS PERSONNEL PRACTICE

6                   A. The Compact states hereby create and establish a  
7 joint public agency known as the Interstate Commission for EMS  
8 Personnel Practice.

9                   1. The Commission is a body politic and an  
10 instrumentality of the Compact states.

11                   2. Venue is proper and judicial proceedings by or  
12 against the Commission shall be brought solely and exclusively  
13 in a court of competent jurisdiction where the principal  
14 office of the Commission is located. The Commission may waive  
15 venue and jurisdictional defenses to the extent it adopts or  
16 consents to participate in alternative dispute resolution  
17 proceedings.

18                   3. Nothing in this Compact shall be construed to be  
19 a waiver of sovereign immunity.

20                   B. Membership, Voting, and Meetings

21                   1. Each member state shall have and be limited to  
22 one (1) delegate. The responsible official of the state EMS  
23 authority or his designee shall be the delegate to this  
24 Compact for each member state. Any delegate may be removed or  
25 suspended from office as provided by the law of the state from

1 which the delegate is appointed. Any vacancy occurring in the  
2 Commission shall be filled in accordance with the laws of the  
3 member state in which the vacancy exists. In the event that  
4 more than one board, office, or other agency with the  
5 legislative mandate to license EMS personnel at and above the  
6 level of EMT exists, the Governor of the state will determine  
7 which entity will be responsible for assigning the delegate.

8           2. Each delegate shall be entitled to one (1) vote  
9 with regard to the promulgation of rules and creation of  
10 bylaws and shall otherwise have an opportunity to participate  
11 in the business and affairs of the Commission. A delegate  
12 shall vote in person or by such other means as provided in the  
13 bylaws. The bylaws may provide for delegates' participation in  
14 meetings by telephone or other means of communication.

15           3. The Commission shall meet at least once during  
16 each calendar year. Additional meetings shall be held as set  
17 forth in the bylaws.

18           4. All meetings shall be open to the public, and  
19 public notice of meetings shall be given in the same manner as  
20 required under the rulemaking provisions in Section 12.

21           5. The Commission may convene in a closed,  
22 non-public meeting if the Commission must discuss:

23           a. Non-compliance of a member state with its  
24 obligations under the Compact;

1           b. The employment, compensation, discipline or other  
2 personnel matters, practices or procedures related to specific  
3 employees or other matters related to the Commission's  
4 internal personnel practices and procedures;

5           c. Current, threatened, or reasonably anticipated  
6 litigation;

7           d. Negotiation of contracts for the purchase or sale  
8 of goods, services, or real estate;

9           e. Accusing any person of a crime or formally  
10 censuring any person;

11           f. Disclosure of trade secrets or commercial or  
12 financial information that is privileged or confidential;

13           g. Disclosure of information of a personal nature  
14 where disclosure would constitute a clearly unwarranted  
15 invasion of personal privacy;

16           h. Disclosure of investigatory records compiled for  
17 law enforcement purposes;

18           i. Disclosure of information related to any  
19 investigatory reports prepared by or on behalf of or for use  
20 of the Commission or other committee charged with  
21 responsibility of investigation or determination of compliance  
22 issues pursuant to the Compact; or

23           j. Matters specifically exempted from disclosure by  
24 federal or member state statute.

1           6. If a meeting, or portion of a meeting, is closed  
2 pursuant to this provision, the Commission's legal counsel or  
3 designee shall certify that the meeting may be closed and  
4 shall reference each relevant exempting provision. The  
5 Commission shall keep minutes that fully and clearly describe  
6 all matters discussed in a meeting and shall provide a full  
7 and accurate summary of actions taken, and the reasons  
8 therefore, including a description of the views expressed. All  
9 documents considered in connection with an action shall be  
10 identified in such minutes. All minutes and documents of a  
11 closed meeting shall remain under seal, subject to release by  
12 a majority vote of the Commission or order of a court of  
13 competent jurisdiction.

14           C. The Commission shall, by a majority vote of the  
15 delegates, prescribe bylaws and/or rules to govern its conduct  
16 as may be necessary or appropriate to carry out the purposes  
17 and exercise the powers of the Compact, including but not  
18 limited to:

- 19           1. Establishing the fiscal year of the Commission;
- 20           2. Providing reasonable standards and procedures:
  - 21           a. for the establishment and meetings of other  
22 committees; and
  - 23           b. governing any general or specific delegation of  
24 any authority or function of the Commission;

1           3. Providing reasonable procedures for calling and  
2     conducting meetings of the Commission, ensuring reasonable  
3     advance notice of all meetings, and providing an opportunity  
4     for attendance of such meetings by interested parties, with  
5     enumerated exceptions designed to protect the public's  
6     interest, the privacy of individuals, and proprietary  
7     information, including trade secrets. The Commission may meet  
8     in closed session only after a majority of the membership  
9     votes to close a meeting in whole or in part. As soon as  
10    practicable, the Commission must make public a copy of the  
11    vote to close the meeting revealing the vote of each member  
12    with no proxy votes allowed;

13           4. Establishing the titles, duties and authority,  
14    and reasonable procedures for the election of the officers of  
15    the Commission;

16           5. Providing reasonable standards and procedures for  
17    the establishment of the personnel policies and programs of  
18    the Commission. Notwithstanding any civil service or other  
19    similar laws of any member state, the bylaws shall exclusively  
20    govern the personnel policies and programs of the Commission;

21           6. Promulgating a code of ethics to address  
22    permissible and prohibited activities of Commission members  
23    and employees;

24           7. Providing a mechanism for winding up the  
25    operations of the Commission and the equitable disposition of

1 any surplus funds that may exist after the termination of the  
2 Compact after the payment and/or reserving of all of its debts  
3 and obligations;

4 8. The Commission shall publish its bylaws and file  
5 a copy thereof, and a copy of any amendment thereto, with the  
6 appropriate agency or officer in each of the member states, if  
7 any.

8 9. The Commission shall maintain its financial  
9 records in accordance with the bylaws.

10 10. The Commission shall meet and take such actions  
11 as are consistent with the provisions of this Compact and the  
12 bylaws.

13 D. The Commission shall have the following powers:

14 1. The authority to promulgate uniform rules to  
15 facilitate and coordinate implementation and administration of  
16 this Compact. The rules shall have the force and effect of law  
17 and shall be binding in all member states;

18 2. To bring and prosecute legal proceedings or  
19 actions in the name of the Commission, provided that the  
20 standing of any state EMS authority or other regulatory body  
21 responsible for EMS personnel licensure to sue or be sued  
22 under applicable law shall not be affected;

23 3. To purchase and maintain insurance and bonds;

1           4. To borrow, accept, or contract for services of  
 2 personnel, including, but not limited to, employees of a  
 3 member state;

4           5. To hire employees, elect or appoint officers, fix  
 5 compensation, define duties, grant such individuals  
 6 appropriate authority to carry out the purposes of the  
 7 Compact, and to establish the Commission's personnel policies  
 8 and programs relating to conflicts of interest, qualifications  
 9 of personnel, and other related personnel matters;

10          6. To accept any and all appropriate donations and  
 11 grants of money, equipment, supplies, materials and services,  
 12 and to receive, utilize and dispose of the same; provided that  
 13 at all times the Commission shall strive to avoid any  
 14 appearance of impropriety and/or conflict of interest;

15          7. To lease, purchase, accept appropriate gifts or  
 16 donations of, or otherwise to own, hold, improve or use, any  
 17 property, real, personal or mixed; provided that at all times  
 18 the Commission shall strive to avoid any appearance of  
 19 impropriety;

20          8. To sell convey, mortgage, pledge, lease,  
 21 exchange, abandon, or otherwise dispose of any property real,  
 22 personal, or mixed;

23          9. To establish a budget and make expenditures;

24          10. To borrow money;

1           11. To appoint committees, including advisory  
2 committees comprised of members, state regulators, state  
3 legislators or their representatives, and consumer  
4 representatives, and such other interested persons as may be  
5 designated in this Compact and the bylaws;

6           12. To provide and receive information from, and to  
7 cooperate with, law enforcement agencies;

8           13. To adopt and use an official seal; and

9           14. To perform such other functions as may be  
10 necessary or appropriate to achieve the purposes of this  
11 Compact consistent with the state regulation of EMS personnel  
12 licensure and practice.

13           E. Financing of the Commission

14           1. The Commission shall pay, or provide for the  
15 payment of, the reasonable expenses of its establishment,  
16 organization, and ongoing activities.

17           2. The Commission may accept any and all appropriate  
18 revenue sources, donations, and grants of money, equipment,  
19 supplies, materials, and services.

20           3. The Commission may levy on and collect an annual  
21 assessment from each member state or impose fees on other  
22 parties to cover the cost of the operations and activities of  
23 the Commission and its staff, which must be in a total amount  
24 sufficient to cover its annual budget as approved each year  
25 for which revenue is not provided by other sources. The

1 aggregate annual assessment amount shall be allocated based  
2 upon a formula to be determined by the Commission, which shall  
3 promulgate a rule binding upon all member states.

4 4. The Commission shall not incur obligations of any  
5 kind prior to securing the funds adequate to meet the same;  
6 nor shall the Commission pledge the credit of any of the  
7 member states, except by and with the authority of the member  
8 state.

9 5. The Commission shall keep accurate accounts of  
10 all receipts and disbursements. The receipts and disbursements  
11 of the Commission shall be subject to the audit and accounting  
12 procedures established under its bylaws. However, all receipts  
13 and disbursements of funds handled by the Commission shall be  
14 audited yearly by a certified or licensed public accountant,  
15 and the report of the audit shall be included in and become  
16 part of the annual report of the Commission.

17 F. Qualified Immunity, Defense, and Indemnification

18 1. ~~The~~ In accordance with Section 36-1-12, the  
19 members, officers, executive director, employees and  
20 representatives of the Commission shall be ~~immune from suit~~  
21 ~~and liability, either personally or in their official~~  
22 ~~capacity, for any claim for damage to or loss of property or~~  
23 ~~personal injury or other civil liability caused by or arising~~  
24 ~~out of any actual or alleged act, error or omission that~~  
25 ~~occurred, or that the person against whom the claim is made~~

1 ~~had a reasonable basis for believing occurred within the scope~~  
2 ~~of Commission employment, duties or responsibilities, provided~~  
3 ~~that nothing in this paragraph shall be construed to protect~~  
4 ~~any such person from suit and/or liability for any damage,~~  
5 ~~loss, injury, or liability caused by the intentional or~~  
6 ~~willful or wanton misconduct of that person. immune from suit~~  
7 ~~and liability.~~

8           2. The Commission shall defend any member, officer,  
9 executive director, employee or representative of the  
10 Commission in any civil action seeking to impose liability  
11 arising out of any actual or alleged act, error, or omission  
12 that occurred within the scope of Commission employment,  
13 duties, or responsibilities, or that the person against whom  
14 the claim is made had a reasonable basis for believing  
15 occurred within the scope of Commission employment, duties, or  
16 responsibilities; provided that nothing herein shall be  
17 construed to prohibit that person from retaining his or her  
18 own counsel; and provided further, that the actual or alleged  
19 act, error, or omission did not result from that person's  
20 intentional or willful or wanton misconduct.

21           3. The Commission shall indemnify and hold harmless  
22 any member, officer, executive director, employee, or  
23 representative of the Commission for the amount of any  
24 settlement or judgment obtained against that person arising  
25 out of any actual or alleged act, error or omission that

1 occurred within the scope of Commission employment, duties, or  
2 responsibilities, or that such person had a reasonable basis  
3 for believing occurred within the scope of Commission  
4 employment, duties, or responsibilities, provided that the  
5 actual or alleged act, error, or omission did not result from  
6 the intentional or willful or wanton misconduct of that  
7 person.

8 SECTION 11. COORDINATED DATABASE

9 A. The Commission shall provide for the development  
10 and maintenance of a coordinated database and reporting system  
11 containing licensure, adverse action, and significant  
12 investigatory information on all licensed individuals in  
13 member states.

14 B. Notwithstanding any other provision of state law  
15 to the contrary, a member state shall submit a uniform data  
16 set to the coordinated database on all individuals to whom  
17 this Compact is applicable as required by the rules of the  
18 Commission, including:

- 19 1. Identifying information;
- 20 2. Licensure data;
- 21 3. Significant investigatory information;
- 22 4. Adverse actions against an individual's license;
- 23 5. An indicator that an individual's privilege to  
24 practice is restricted, suspended or revoked;

1           6. Non-confidential information related to  
2 alternative program participation;

3           7. Any denial of application for licensure, and the  
4 reason(s) for such denial; and

5           8. Other information that may facilitate the  
6 administration of this Compact, as determined by the rules of  
7 the Commission.

8           C. The coordinated database administrator shall  
9 promptly notify all member states of any adverse action taken  
10 against, or significant investigative information on, any  
11 individual in a member state.

12           D. Member states contributing information to the  
13 coordinated database may designate information that may not be  
14 shared with the public without the express permission of the  
15 contributing state.

16           E. Any information submitted to the coordinated  
17 database that is subsequently required to be expunged by the  
18 laws of the member state contributing the information shall be  
19 removed from the coordinated database.

20           SECTION 12. RULEMAKING

21           A. The Commission shall exercise its rulemaking  
22 powers pursuant to the criteria set forth in this Section and  
23 the rules adopted thereunder. Rules and amendments shall  
24 become binding as of the date specified in each rule or  
25 amendment.

1           B. If a majority of the legislatures of the member  
2 states rejects a rule, by enactment of a statute or resolution  
3 in the same manner used to adopt the Compact, then such rule  
4 shall have no further force and effect in any member state.

5           C. Rules or amendments to the rules shall be adopted  
6 at a regular or special meeting of the Commission.

7           D. Prior to promulgation and adoption of a final  
8 rule or rules by the Commission, and at least sixty (60) days  
9 in advance of the meeting at which the rule will be considered  
10 and voted upon, the Commission shall file a Notice of Proposed  
11 Rulemaking:

12                 1. On the website of the Commission; and

13                 2. On the website of each member state EMS authority  
14 or the publication in which each state would otherwise publish  
15 proposed rules.

16           E. The Notice of Proposed Rulemaking shall include:

17                 1. The proposed time, date, and location of the  
18 meeting in which the rule will be considered and voted upon;

19                 2. The text of the proposed rule or amendment and  
20 the reason for the proposed rule;

21                 3. A request for comments on the proposed rule from  
22 any interested person; and

23                 4. The manner in which interested persons may submit  
24 notice to the Commission of their intention to attend the  
25 public hearing and any written comments.

1           F. Prior to adoption of a proposed rule, the  
2 Commission shall allow persons to submit written data, facts,  
3 opinions, and arguments, which shall be made available to the  
4 public.

5           G. The Commission shall grant an opportunity for a  
6 public hearing before it adopts a rule or amendment if a  
7 hearing is requested by:

- 8           1. At least twenty-five (25) persons;
- 9           2. A governmental subdivision or agency; or
- 10          3. An association having at least twenty-five (25)  
11 members.

12          H. If a hearing is held on the proposed rule or  
13 amendment, the Commission shall publish the place, time, and  
14 date of the scheduled public hearing.

15          1. All persons wishing to be heard at the hearing  
16 shall notify the executive director of the Commission or other  
17 designated member in writing of their desire to appear and  
18 testify at the hearing not less than five (5) business days  
19 before the scheduled date of the hearing.

20          2. Hearings shall be conducted in a manner providing  
21 each person who wishes to comment a fair and reasonable  
22 opportunity to comment orally or in writing.

23          3. No transcript of the hearing is required, unless  
24 a written request for a transcript is made, in which case the  
25 person requesting the transcript shall bear the cost of

1 producing the transcript. A recording may be made in lieu of a  
2 transcript under the same terms and conditions as a  
3 transcript. This subsection shall not preclude the Commission  
4 from making a transcript or recording of the hearing if it so  
5 chooses.

6 4. Nothing in this section shall be construed as  
7 requiring a separate hearing on each rule. Rules may be  
8 grouped for the convenience of the Commission at hearings  
9 required by this section.

10 I. Following the scheduled hearing date, or by the  
11 close of business on the scheduled hearing date if the hearing  
12 was not held, the Commission shall consider all written and  
13 oral comments received.

14 J. The Commission shall, by majority vote of all  
15 members, take final action on the proposed rule and shall  
16 determine the effective date of the rule, if any, based on the  
17 rulemaking record and the full text of the rule.

18 K. If no written notice of intent to attend the  
19 public hearing by interested parties is received, the  
20 Commission may proceed with promulgation of the proposed rule  
21 without a public hearing.

22 L. Upon determination that an emergency exists, the  
23 Commission may consider and adopt an emergency rule without  
24 prior notice, opportunity for comment, or hearing, provided  
25 that the usual rulemaking procedures provided in the Compact

1 and in this section shall be retroactively applied to the rule  
 2 as soon as reasonably possible, in no event later than ninety  
 3 (90) days after the effective date of the rule. For the  
 4 purposes of this provision, an emergency rule is one that must  
 5 be adopted immediately in order to:

6 1. Meet an imminent threat to public health, safety,  
 7 or welfare;

8 2. Prevent a loss of Commission or member state  
 9 funds;

10 3. Meet a deadline for the promulgation of an  
 11 administrative rule that is established by federal law or  
 12 rule; or

13 4. Protect public health and safety.

14 M. The Commission or an authorized committee of the  
 15 Commission may direct revisions to a previously adopted rule  
 16 or amendment for purposes of correcting typographical errors,  
 17 errors in format, errors in consistency, or grammatical  
 18 errors. Public notice of any revisions shall be posted on the  
 19 website of the Commission. The revision shall be subject to  
 20 challenge by any person for a period of thirty (30) days after  
 21 posting. The revision may be challenged only on grounds that  
 22 the revision results in a material change to a rule. A  
 23 challenge shall be made in writing, and delivered to the chair  
 24 of the Commission prior to the end of the notice period. If no  
 25 challenge is made, the revision will take effect without

1 further action. If the revision is challenged, the revision  
2 may not take effect without the approval of the Commission.

3 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND  
4 ENFORCEMENT

5 A. Oversight

6 1. The executive, legislative, and judicial branches  
7 of state government in each member state shall enforce this  
8 Compact and take all actions necessary and appropriate to  
9 effectuate the Compact's purposes and intent. The provisions  
10 of this Compact and the rules promulgated hereunder shall have  
11 standing as statutory law.

12 2. All courts shall take judicial notice of the  
13 Compact and the rules in any judicial or administrative  
14 proceeding in a member state pertaining to the subject matter  
15 of this Compact which may affect the powers, responsibilities  
16 or actions of the Commission.

17 3. The Commission shall be entitled to receive  
18 service of process in any such proceeding, and shall have  
19 standing to intervene in such a proceeding for all purposes.  
20 Failure to provide service of process to the Commission shall  
21 render a judgment or order void as to the Commission, this  
22 Compact, or promulgated rules.

23 B. Default, Technical Assistance, and Termination

24 1. If the Commission determines that a member state  
25 has defaulted in the performance of its obligations or

1 responsibilities under this Compact or the promulgated rules,  
2 the Commission shall:

3 a. Provide written notice to the defaulting state  
4 and other member states of the nature of the default, the  
5 proposed means of curing the default and/or any other action  
6 to be taken by the Commission; and

7 b. Provide remedial training and specific technical  
8 assistance regarding the default.

9 2. If a state in default fails to cure the default,  
10 the defaulting state may be terminated from the Compact upon  
11 an affirmative vote of a majority of the member states, and  
12 all rights, privileges and benefits conferred by this Compact  
13 may be terminated on the effective date of termination. A cure  
14 of the default does not relieve the offending state of  
15 obligations or liabilities incurred during the period of  
16 default.

17 3. Termination of membership in the Compact shall be  
18 imposed only after all other means of securing compliance have  
19 been exhausted. Notice of intent to suspend or terminate shall  
20 be given by the Commission to the Governor, the majority and  
21 minority leaders of the defaulting state's legislature, and  
22 each of the member states.

23 4. A state that has been terminated is responsible  
24 for all assessments, obligations, and liabilities incurred  
25 through the effective date of termination, including

1 obligations that extend beyond the effective date of  
2 termination.

3 5. The Commission shall not bear any costs related  
4 to a state that is found to be in default or that has been  
5 terminated from the Compact, unless agreed upon in writing  
6 between the Commission and the defaulting state.

7 6. The defaulting state may appeal the action of the  
8 Commission by petitioning the U.S. District Court for the  
9 District of Columbia or the federal district where the  
10 Commission has its principal offices. The prevailing member  
11 shall be awarded all costs of such litigation, including  
12 reasonable attorney's fees.

13 C. Dispute Resolution

14 1. Upon request by a member state, the Commission  
15 shall attempt to resolve disputes related to the Compact that  
16 arise among member states and between member and nonmember  
17 states.

18 2. The Commission shall promulgate a rule providing  
19 for both mediation and binding dispute resolution for disputes  
20 as appropriate.

21 D. Enforcement

22 1. The Commission, in the reasonable exercise of its  
23 discretion, shall enforce the provisions and rules of this  
24 Compact.

1           2. By majority vote, the Commission may initiate  
2 legal action in the United States District Court for the  
3 District of Columbia or the federal district where the  
4 Commission has its principal offices against a member state in  
5 default to enforce compliance with the provisions of the  
6 Compact and its promulgated rules and bylaws. The relief  
7 sought may include both injunctive relief and damages. In the  
8 event judicial enforcement is necessary, the prevailing member  
9 shall be awarded all costs of such litigation, including  
10 reasonable attorney's fees.

11           3. The remedies herein shall not be the exclusive  
12 remedies of the Commission. The Commission may pursue any  
13 other remedies available under federal or state law.

14           SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE  
15 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,  
16 WITHDRAWAL, AND AMENDMENT

17           A. The Compact shall come into effect on the date on  
18 which the Compact statute is enacted into law in the tenth  
19 member state. The provisions, which become effective at that  
20 time, shall be limited to the powers granted to the Commission  
21 relating to assembly and the promulgation of rules.  
22 Thereafter, the Commission shall meet and exercise rulemaking  
23 powers necessary to the implementation and administration of  
24 the Compact.

1           B. Any state that joins the Compact subsequent to  
2 the Commission's initial adoption of the rules shall be  
3 subject to the rules as they exist on the date on which the  
4 Compact becomes law in that state. Any rule that has been  
5 previously adopted by the Commission shall have the full force  
6 and effect of law on the day the Compact becomes law in that  
7 state.

8           C. Any member state may withdraw from this Compact  
9 by enacting a statute repealing the same.

10           1. A member state's withdrawal shall not take effect  
11 until six (6) months after enactment of the repealing statute.

12           2. Withdrawal shall not affect the continuing  
13 requirement of the withdrawing state's EMS authority to comply  
14 with the investigative and adverse action reporting  
15 requirements of this act prior to the effective date of  
16 withdrawal.

17           D. Nothing contained in this Compact shall be  
18 construed to invalidate or prevent any EMS personnel licensure  
19 agreement or other cooperative arrangement between a member  
20 state and a nonmember state that does not conflict with the  
21 provisions of this Compact.

22           E. This Compact may be amended by the member states.  
23 No amendment to this Compact shall become effective and  
24 binding upon any member state until it is enacted into the  
25 laws of all member states.

1                   SECTION 15. CONSTRUCTION AND SEVERABILITY

2                   This Compact shall be liberally construed so as to  
3                   effectuate the purposes thereof. If this Compact shall be held  
4                   contrary to the constitution of any state member thereto, the  
5                   Compact shall remain in full force and effect as to the  
6                   remaining member states. Nothing in this Compact supersedes  
7                   state law or rules related to licensure of EMS agencies.

8                   Section 3. This act shall become effective  
9                   immediately following its passage and approval by the  
10                  Governor, or its otherwise becoming law.

